

REMARKS

Claims 1, 2, 5-32 and 34-48 remain pending in the application. Upon entry of the present amendment, claims 1, 5, 8, 32 and 34 will have been amended, and claims 3, 4 and 33 will have been canceled. Entry of the present amendment, reconsideration of the rejection, and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicants thank the Examiner for indicating the allowability of claims 10-31, 47 and 48, and for indicating that claims 4-9 and 35-41 contain allowable subject matter. Applicants also thank the Examiner for considering all of the documents cited in the Information Disclosure Statements that were filed on December 27, 2004 and October 29, 2004.

In the Office Action, the Examiner rejected claims 32, 42 and 44 under 35 U.S.C. §102(e) as being anticipated by Karlsson et al. (U.S. Patent No. 6,018,663). Applicants respectfully traverse the rejection for at least the following reasons.

One feature of the present invention is directed towards a method for allocating frequency allocations to sectors of a service area in a base transceiver station. The method of the present invention includes grouping the sectors into a plurality of groups based on subscriber information, and determining a number of dynamic and fixed frequency allocations for each group.

Karlsson relates to a cellular network in which a number of frequency channels are allocated to each cell. See col. 2, lines 35-39. However, Karlsson does not disclose that the cellular network utilizes sectorized base transceiver stations, much less disclose grouping base transceiver station sectors into a plurality of groups based

on subscriber information, or determining a number of dynamic and fixed frequency allocations for each group of sectors. For at least these reasons, Applicants respectfully submit that the rejection of claim 32 is improper.

However, in order to expedite prosecution of the present application, Applicants have included the features of claim 33 in claim 32. In the Office Action, the Examiner did not reject claim 33, and Applicants thus believe that the Examiner intended to indicate that claim 33 contains allowable subject matter. Applicants respectfully submit that Karlsson fails to disclose or suggest the recited features of setting a number of switches, a number of switchable power divider/combiners and a number of ports based on the number of dynamic and fixed frequency allocations. For at least these reasons, Applicants submit that claim 32 is in condition for allowance, and respectfully request such an indication by the Examiner.

Applicants submit that dependent claims 34-46 are also in condition for allowance for at least the same reasons set forth above with respect to claim 32.

In the Office Action, the Examiner rejected claims 1-3, 43, 45 and 46 under U.S.C. §103(a) as being unpatentable over Karlsson et al. in view of McFarlane et al. (U.S. Patent No. 5,200,955). Applicants respectfully traverse this rejection for at least the following reasons.

According to a feature of the present invention, a system is disclosed for allocating frequency allocations to sectors in a base transceiver station. The system of the present invention includes, inter alia, a determiner that determines a number of dynamic and fixed frequency allocations for each sector, and an array of sector amplifiers.

As mentioned above, Karlsson does not disclose the use of sectorized base transceiver stations. Thus, Applicants submit that Karlsson does not disclose determining a number of dynamic and fixed frequency allocations for each sector of a base transceiver station, or the use of an array of sector amplifiers.

McFarlane relates to a repeater for a TDMA mobile radio system. Applicants submit that this document also fails to disclose a sectorized base transceiver station. Thus, McFarlane fails to disclose (or even suggest) the above-mentioned deficiencies of Karlsson. Accordingly, Applicants submit that combining the teachings of the applied documents in the manner suggested by the Examiner would not render the presently claimed invention obvious. For at least these reasons, Applicants respectfully submit that the rejection of claim 1 is improper.

However, in order to expedite prosecution of the present application, Applicants have included the features of objected claim 4 in claim 1. In the Office Action, the Examiner indicated that claim 4 includes allowable subject matter. For at least these reasons, Applicants respectfully submit that claim 1 will be in condition for allowance upon entry of the present amendment.

Applicants also submit that dependent claims 2, 5-9, 43, 45 and 46 are also in condition for allowance for at least the reasons set forth above with respect to claims 1 and 42.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and

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no estoppel should be deemed to attach thereto. Further, the amendments should not be viewed as a concession by Applicants of the propriety of the rejections.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believes that they have now done so.

Applicants recognize that the current status of the present application is after final. However, Applicants submit that entry of the present amendment is proper in these circumstances, as the present amendment does not raise new issues requiring further consideration and/or search, and places the application in condition for allowance.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Duk-Yong KIM



Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191